

Remarks

Claims 1-3, 5-10, 12-14, and 16-28 are currently pending. Claims 5, 8, 10 and 17 have been amended. No new matter has been added. No new claims have been added. Applicants assert that all claims are in condition for allowance as set forth more fully below.

Interview Summary

A telephone interview was conducted on May 31, 2006. During the interview it was discussed that none of the current references disclosed the feature of adding, deleting and editing sound or alert files by an external connector socket or other external means. The Examiner inquired if adding and deleting constituted editing. It was then pointed out that if adding and deleting constituted editing then either the term “editing” or the term “adding and deleting” would be rendered superfluous as presented in the current claims, which would be improper.

Further it was discussed that the Stone reference did not appear to disclose how an alarm could be generated, in addition to an incoming communication, given that the disclosed mechanism for triggering an audio activation was an analog current transient resulting for an incoming call. It was noted that in contrast Suzuki disclosed an alarm triggered by an alarm clock in association with a CPU. It was further noted that there is no current draw mechanism disclosed in Suzuki when the clock reached its alarm point available to trigger the CPU, such as the CPU in the shell in Stone if modified. As such, modifying Stone to support signaling other than by an increased current draw in anticipation of an alarm would be an impermissible change to the principle of operation of Stone, namely, audio activation via increased current draw due to an incoming call.

The Examiner acknowledged both arguments and requested that corresponding amendments be submitted for consideration.

Double Patenting Rejections

Claims 1-28 have been provisionally rejected for obvious type double-patenting over claims 1-20 of App. 09/964,385 and over claims 1-20 of App. 10/101,630. As this is a provisional rejection since none of the claims have yet to be patented, Applicants

assert that a terminal disclaimer would be premature and reserve the right to respond to such double patenting rejections in the future upon such claims being patented.

103 Rejections

Claims 5-6 and 21 stand rejected under 35 USC §103(a) as being unpatentable over Stone et al (US Pat 5,767,778) in view of Suzuki (US Pat. 6,556,665). Claims 1-3, 7-10, 12-14, 16-20 and 22-24 stand rejected under 35 USC §103(a) as being unpatentable over Stone in view of Haraguchi (US Pat. 6,597,279) and Suzuki. Claims 25-28 stand rejected under 35 USC §103(a) as being unpatentable over Stone in view of Haraguchi, Suzuki and Sawada (US Pat 6,810,274).

Claims 1-3, 5-10, 12-14, 16-28

Applicants assert that amended independent claims 1, 5-7, 16, 18, 20-21, 25 and 27 each recite subject matter not disclosed or suggested by Stone, Suzuki, Haraguchi or Sawada nor any combination thereof and that adequate motivation is not present for combining these references in an attempt to meet the claim recitations. As a representative sample, claim 1 recites in pertinent part:

“[a] device that plays alerts and is used with a wireless communication device ... wherein the alert generating device is triggered to play an alert associated with the file upon detection of an incoming communication by the wireless communication device and to play the alert associated with the file upon detection of an event at the wireless communication device other than an incoming communication...”

In Stone, the alert electronics are in the shell. Stone teaches that an alert is triggered by a current sensor that monitors current transients delivered by the battery resulting from an incoming telephone call. (Fig. 4, Fig. 5, Col. 2, l. 56- Col. 3, l. 5). Stone does not disclose a means to play an alert upon detection of an event at the wireless communication device other than an incoming communication. Particularly, Stone does not discuss generating an alert where there is no power or current transient.

Suzuki discloses an alarm sound as the result of an alarm clock reaching a predetermined time. When the time is reached, a CPU reads the alert out of memory and is outputted through a speaker. Suzuki does not disclose a current or power surge

triggering the alert when the clock reaches the predetermined time, merely a digital clock count.

Given the different alarm mechanisms of Stone and Suzuki, there would be no motivation to combine the two references to produce the recited claims. For Stone to work properly with a clock alarm or an event other than an incoming call, there would need to be some current transient equal to that of an incoming call provided to the current sensor in the shell of the Stone device. Suzuki does not teach such a current transient being generated by its clock alarm. As such, Stone's operating principal would have to be modified to trigger an alarm resulting from something other than an incoming call where there is no current transient since there is no way to communicate the alarm of the phone to the Shell of Stone other than a current transient and since Stone emphasizes the significance of the current transient being the key to operation of the audio circuit. Such a modification would impermissibly change the primary principle of operation of Stone, and would therefore be in contravention to MPEP 2143.01 VI. Thus, MPEP 2143.01 VI dictates that a combination of Stone with Suzuki for the reasons set forth in the Office Action is not supported by adequate motivation.

This combination has been used for all of the pending claims. As the combination fails for lacking adequate motivation, the pending claims are allowable over the purported combination for at least these reasons.

Claims 5, 8 and 10

Amended claims 5, 8 and 10 each recite additional subject matter not disclosed or suggested by Stone, Suzuki, Haraguchi or Sawada nor any combination thereof. As a representative sample, claim 5 recites in pertinent part:

“[a] device for a wireless communication device that plays alerts, the device comprising...an external connector socket on the shell in electrical communication with the alert generating device to provide external access for adding alert files, deleting alert files and editing alert files in the alert generating device...”

Support for the amendment can be found in the last sentence of paragraph [0008] in the Applicant's specification where editing sound files is expressly disclosed in addition to deleting or adding sound files.

Stone discusses adding and deleting sound files using a personal computer (Col. 7, l. 25-28) by drawing from a library of music or sound bites. Suzuki discloses recording a sound bite by recording a sound bite via a microphone in a portable phone, digitizing the sound bite and compressing it for use as a calling or alert sound. (Col. 3, l. 58-Col. 4, l. 13). Neither Stone nor Suzuki teach, disclose or suggest providing external access to the alert file in the alert generating device for editing the alert file, where editing the alert file is necessarily something other than adding or deleting since the claim lists adding and deleting in addition to editing.

Sawada and Haraguchi concern themselves with persistent memory for alerts and the selection of alerts using a jog dial for portable communications units, respectively and do not discuss editing alerts files or sound files.

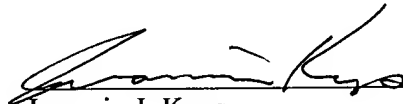
Since neither Sawada nor Haraguchi address the issue of editing files and neither Stone nor Suzuki disclose or suggest the editing of alert files then a combination of any or all of the references listed fail to disclose all of the elements of the amended independent claims. As such, the amended independent claim 5 and dependent claims 8 and 10 are allowable over the cited references in any combination.

Conclusion

Applicants assert that the application including claims 1-3, 5-10, 12-14, and 16-28 is in condition for allowance. Applicants request reconsideration based on the amendments and remarks above. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,


Jeramie J. Keys
Reg. No. 42,724

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Withers & Keys, LLC
P.O. Box 71355
Marietta, Ga 30007-1355
(404) 849.2093